

LATHAM & WATKINS LLP
Charles H. Samel (SBN 182019)
633 West Fifth Street, Suite 4000
Los Angeles, California 90071-2007
Telephone: (213) 485-1234
Facsimile: (213) 891-8763
charles.samel@lw.com

Attorneys for Defendants
ATI Technologies, Inc. and
Advanced Micro Devices, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KATHRYN SAUNDERS, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and ADVANCED
MICRO DEVICES, INC.

Defendants.

Case No. C-06-07635 WHA

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE
CASE MANAGEMENT AND ADR
DEADLINES; ~~PROPOSED~~ ORDER**

JURY TRIAL DEMANDED

Plaintiff Kathryn Saunders ("Plaintiff") and Defendants Nvidia Corporation ("Nvidia"), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively "AMD") hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On December 13, 2006, Plaintiff filed the Complaint, which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and pendant state law claims. Plaintiff styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 30 other complaints have been filed in this and other judicial districts. All of these complaints allege federal antitrust claims

1 and/or state law antitrust claims against Nvidia and AMD. Each complaint is styled as a putative
2 class action.

3 3. On December 8, 2006, plaintiffs in some of these other actions
4 collectively filed a motion before the Judicial Panel on Multidistrict Litigation ("JPML") to
5 transfer and consolidate in this judicial district all existing and subsequently filed antitrust
6 actions related to the claims alleged in the Complaint.

7 4. On January 16, 2007, AMD and Nvidia filed a response with the JPML
8 supporting consolidation and transfer of these actions to the Northern District of California, San
9 Jose Division, or, in the alternative, in the Northern District of California, San Francisco
10 Division. To date, every party responding to the JPML Motion has supported consolidation and
11 transfer in either the Northern or Central Districts of California. No party has opposed
12 consolidation and transfer.

13 5. Oral argument on the JPML Motion is scheduled for March 29, 2007 in
14 San Antonio, Texas. The parties agree that, at some point subsequent to the hearing, the JPML is
15 likely to order transfer and consolidation of these actions.

16 6. In light of these facts, Plaintiff and Defendants stipulated in December
17 2006 to extend the time for Defendants to respond to the Complaint to 30 days after (1) the order
18 resolving the JPML motion and (2) the filing and service of any subsequent consolidated
19 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or
20 otherwise respond to the Complaint for good cause shown.

21 7. Given the March 29, 2007 hearing date before the JPML, the dates set
22 forth in the Order Setting Initial Case Management Conference and ADR Deadlines entered on
23 December 13, 2006 ("December 13 Order"), including the deadlines imposed by Federal Rules
24 of Civil Procedure 26, Local Rule 16, and ADR Local Rule 3.5, will come to pass before the
25 JPML acts on the pending motion.

26 8. Continuing the dates set forth in the December 13 Order would avoid the
27 expenditure of unnecessary judicial resources until it is determined whether this action will
28

1 remain pending in this Court. It would also ensure consistency in pretrial rulings and be
2 convenient for the parties, including Plaintiff.

3 9. Accordingly, the parties hereby stipulate to and respectfully request that
4 the Court order a continuance of the dates set forth in the December 13 Order. The affected
5 dates include (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR
6 process selection, and discovery plan (currently March 1, 2007); (2) file joint ADR documents
7 (currently March 1, 2007); (3) complete initial disclosures and file the Rule 26(f) Report and
8 Case Management Statement (currently March 8, 2007); and (4) the Initial Case Management
9 Conference (currently March 22, 2007).

10 10. The parties request that the Court continue the above referenced schedule
11 as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR
12 process selection, and discovery plan – May 3, 2007; (2) file joint ADR documents – May 3,
13 2007; (3) complete initial disclosures and file the Rule 26(f) Report and Case Management
14 Statement – May 17, 2007; and (4) the Initial Case Management Conference – May 24, 2007.
15 Such a continuance will allow this matter to move forward promptly in the event that the JPML
16 Motion is denied and further proceedings before this Court are necessary.

17 11. Except as described in Paragraph 6, the parties have sought no previous
18 modification of the timing of any event or deadline set by the Court.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: February 20, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel
Charles H. Samel (182019)

Attorneys for Defendants
ATI TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES, INC.

Dated: February 20, 2007
COOLEY GODWARD KRONISH LLP

By: /s/ James Donato
James Donato (146140)

Attorneys for Defendant
NVIDIA CORPORATION

Dated: February 20, 2007
CHIMICLES & TIKELLIS LLP

By: /s/ James R. Malone
James R. Malone, Jr. (PA ID No. 41885)
(A Member of the Bar of this Court)

Attorneys for Plaintiff
KATHRYN SAUNDERS

1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: February 20, 2007

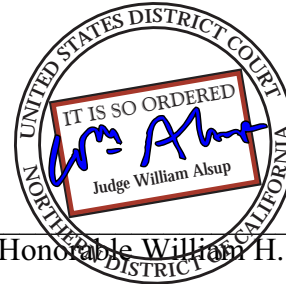
5 By: /s/ Charles H. Samel
Charles H. Samel

PROPOSED ORDER

Pursuant to the stipulation of the parties, all dates set forth in the December 6, 2006 Order Setting Initial Case Management Conference are hereby continued as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan will be May 3, 2007; (2) the deadline to file joint ADR documents will be May 3, 2007; (3) the deadline to complete initial disclosures and file the Rule 26(f) Report and Case Management Statement will be May 17, 2007; and (4) the Initial Case Management Conference will be May 24, 2007. The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered.

Dated: February 21, 2007



The Honorable William H. Alsup

LA\1689419.1